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MUNICIPAL ORDINANCES, RULES, AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

CLEVELAND, OHIO.

Milk and Milk Products—Production, Care, and Sale. Bureau of Dairy and Food Inspection Created. (Ord. 34648—A, June 21, 1915.)

SECTION 1. That there be and is hereby created in the department of public welfare, division of health, a bureau of dairy and food inspection. The chief of the bureau of dairy and food inspection shall be a graduate in veterinary medicine, and shall, under the direction of the commissioner of health, enforce the provisions of this ordinance.

SEC. 2. The term "dairy inspector" as used herein refers to any person delegated by the commissioner of health to inspect dairies, milk houses, and other places and conditions relative to the production, transportation, and sale of milk.

The term "food inspector" refers to any person delegated by the commissioner of health to inspect any place where food is manufactured, stored, transported, sold, or consumed and other places and conditions relative to the production, transportation, and sale of food.

The term "meat inspector" refers to any person delegated by the commissioner of health to inspect slaughterhouses, meat shops, and other places and conditions relative to the slaughtering, transportation, and sale of meat.

The words "dairy inspector," "food inspector," "meat inspector," and "chief of the bureau," includes "or authorized assistant thereof."

SEC. 3. No person shall bring or ship into the city for sale, or shall sell or offer for sale in the city any milk, cream, or butter fat without first securing a permit therefor from the division of health. Such permit shall bear the signature of the commissioner of health.

SEC. 4. No person, firm, or corporation shall be licensed to bring or ship into the city for sale, or sell or offer for sale milk in the city unless the dairy, creamery, condensory, or place of business operated or controlled by such person, firm, or corporation shall be maintained and operated as provided in this ordinance, and the permit therefor shall be revoked by order of the chief of the bureau whenever such creamery, dairy, condensory, or place of business shall be maintained or operated in violation of any of the provisions of this ordinance.

SEC. 5. The bureau of dairy and food inspection shall once each month, or more frequently if deemed necessary, inspect every vehicle or place in which and from which milk is produced, stored, sold, or delivered.

The bureau of dairy and food inspection shall, once each month or more frequently if deemed necessary, take sample of milk from every person, firm, or corporation that sells or offers for sale any milk, and shall subject such samples to such analysis as may be deemed necessary and proper.

SEC. 6. The bureau of dairy and food inspection, upon receiving application from any dairyman, milk dealer, or other person, firm, or corporation for a permit for the sale of milk, cream, butter fat, or other milk products, shall first

ascertain the name and address of said dairyman, milk dealer, or other person, firm, or corporation and the names and addresses of all persons from whom said dairyman, milk dealer, or other person, firm, or corporation procures milk, cream, butter fat, or other milk products, and the chief of the bureau shall be notified and given a list of the same.

SEC. 7. The chief of the bureau, upon receiving such notification, shall have the premises and place of business of said dairyman, milk dealer, or other person inspected and shall ascertain to what extent the premises meet the conditions imposed by this ordinance, and likewise, upon receiving notification that any person is supplying milk, cream, butter fat, or other milk products which is brought into the city for sale, shall have the premises of such person inspected and shall ascertain to what extent the premises meet the conditions imposed by this ordinance.

SEC. 8. The bureau of dairy and food inspection shall keep and file a suitable record of all inspections and analyses provided for in this ordinance.

SEC. 9. Dairy inspectors shall, under the direction of the commissioner of health and the chief of the bureau, inspect dairies, milk houses, and other places and conditions relative to the production, transportation and sale of milk, cream, butter fat, and other milk products, and shall perform all duties and carry out all orders and ordinances as herein set forth, or as otherwise directed by the chief of the bureau of dairy and food inspection or the commissioner of health.

SEC. 10. No milk, skimmed milk, cream, butter fat, or condensed milk and other milk products other than in hermetically sealed cans shall be sold or offered for sale or brought into the city for sale unless it shall have come from a creamery, dairy, condensory, or place of business operated, controlled or owned by a person, firm, or corporation licensed according to the foregoing provisions, to ship or sell said aforementioned products in the city of Cleveland.

SEC. 11. No person shall bring into the city for sale or shall sell or offer for sale any milk—

- (a) Containing more than 88.5 per cent of water or fluids.
- (b) Containing less than 11.5 per cent of milk solids.
- (c) Containing less than 3 per cent of milk fats.
- (d) From which any part of the cream has been removed.
- (e) Having a specific gravity of less than 1.029.
- (f) Containing any boracic or salicylic acid, formaldehyde, or other foreign chemicals or preservatives.
- (g) Containing any pathogenic bacteria.
- (h) Containing bacteria of any kind (more than 500,000 per cubic centimeter).
- (i) Drawn from any cow having a communicable disease, or from a herd which contains any diseased cattle, or cattle exposed to a communicable disease, or from a herd, the attendants of which are affected with or have been exposed to any communicable disease.
- (j) Drawn from any cow within 15 days before or 6 days after parturition.
- (k) Drawn from any cow which has been fed on garbage, refuse, swill, moist distillery waste, or other improper food.
- (l) Having a temperature of or which has been kept at a temperature higher than 55° F., or lower than 34° F.
- (m) Which has existed or has been kept under conditions contrary to this ordinance.

The five subdivisions *a*, *b*, *c*, *d*, and *e* of this section shall not apply to milk sold under the name of "skimmed milk," as provided in this ordinance.

SEC. 12. No person, firm, corporation, company, dairyman, creamery, cheese factory, or dealer shall ship or bring into the city, sell or offer for sale any milk, cream, butter fat, or other milk products, which after determination, as provided in this section, shall be graded as dirty or filthy.

For the determination of the dirt content milk samples (approximately one-half pint) shall be passed through a filter consisting of an absorbent cotton disk, free from sizing, one-eighth of an inch in thickness and with a filtering surface of three-fourths to one inch in diameter.

The products of the filtration shall be graded as follows:

(1) Clean milk shall be that which does not leave on the cotton more than six particles of foreign matter large enough to be visible without magnification, and which does not tint or color the cotton except with fat.

(2) Fairly clean milk shall be that containing more foreign matter than is permitted in clean milk, but which does not contain hairs, flies, or more than six particles of other than fecal matter, with a dimension greater than 1 millimeter and less than 5 millimeters, and which does not leave on the filter areas greater than 5 millimeters square covered or tinted with dirt sufficient to be distinct without magnification.

(3) Dirty milk shall be that which contains more dirt than is permitted in that graded as fairly clean. It shall be that which contains dust, dirt, hair, and particles of fecal matter not over 5 millimeters in dimension. It shall not contain flies or sufficient dust, dirt, hairs, or small particles of fecal matter to obscure the cotton.

(4) Filthy milk shall include all dirty milk in which the cotton is obscured by dirt, or which contains insects, bits of fecal matter with a dimension greater than 5 millimeters, straw, flies, and other foreign objects.

SEC. 13. No person, firm, or corporation shall bring into the city of Cleveland for sale, or shall sell, or offer for sale, or have in his possession with intent to sell, cream to which any foreign substance has been added, or which contains less than 18 per cent of butter fat.

SEC. 14. No person, firm, or corporation shall bring into the city for sale, or sell, or offer for sale, any so-called skimmed milk containing less than 9 per cent of milk solids.

SEC. 15. No person shall bring into the city for sale, or sell or offer for sale, milk from which the cream has been removed, either in part, or in whole, unless sold as skimmed milk, and unless on both sides of the vehicle from which such milk is sold, in letters not less than 1 inch in height, appear the words "Skimmed milk," or if not sold from a vehicle, upon each and every vessel from which such milk is sold, there be displayed in plain and legible manner the words "Skimmed milk."

SEC. 16. The milk house, dairy, or other place in which milk for sale is handled or stored shall be located not less than 15 feet from any water-closet or privy vault or cesspool, or any horse or cow stable or any chicken or poultry yard or coop, and the milk house, dairy, or other place shall be a room which is not used for any other purpose than the handling and storing of milk, shall not connect by door or window with any other door or compartment whatever, and shall not be located in any cellar or basement. The portion thereof used for washing bottles and utensils shall be separated from the portion used for the storage of milk by a sound partition which shall reach to the ceiling, and such milk house, depot, dairy, or other place for the sale and handling of milk, cream, butter fat, or other milk products shall at all times be kept absolutely clean and sanitary, and all articles unnecessary for the care and handling of the milk shall not be kept in such milk house, room, depot, or dairy, nor shall

any article other than milk or its products be stored there or offered for sale therefrom.

SEC. 17. On and after January 1, 1916, no person, firm, or corporation shall bring into the city of Cleveland or shall within said city sell or offer for sale, expose for sale, dispose of, exchange, or deliver, or have in its possession with intent to do as aforesaid any milk, skimmed milk, cream, buttermilk, or milk prepared by fermentation or other process, unless such milk, skimmed milk, cream, or the milk or cream contained in the buttermilk or milk prepared by fermentation or other process, is clarified or filtered and is pasteurized before delivered for consumption as food according to the rules and regulations prescribed in this ordinance, except as provided in section 22 hereof.

SEC. 18. The Held method of pasteurization as herein provided alone shall be used. The milk, skimmed milk, or cream shall be uniformly heated to a temperature of between 140 Fahrenheit and 146 Fahrenheit and maintained uniformly at this temperature for 30 minutes.

The milk or milk products thus pasteurized shall be cooled forthwith to a temperature of 45 degrees Fahrenheit or less. All apparatus for the purpose of clarifying, filtering, pasteurizing, and cooling shall be so constructed that all parts are readily accessible for inspection, cleansing, and sterilizing.

All pasteurizers operated for the production of pasteurized milk, skimmed milk, or cream to be sold in the city of Cleveland shall be equipped with an apparatus regulating automatically the supply of heat so as to correspond with and produce the required temperature. The automatic thermo-regulator shall be accurate and shall be approved by the commissioner of health.

A recording apparatus shall be installed upon all pasteurizers to record, during operation, the temperature of the pasteurizing product. The thermometer of this recording apparatus shall be accurate and shall be immersed in the milk in such manner that it is not exposed to escaping steam or other heat except in the heated milk and except when the pasteurizing is done in a final container, in which latter event the thermometer shall be so placed as to accurately indicate the temperature of the pasteurized product. The records made by this recording thermometer must be accurate and made on a daily chart, which shall be dated and preserved for the inspection of the health commissioner or his assistants.

The automatic thermo regulator and recording apparatus may be combined in one instrument.

SEC. 19. Pasteurized milk, or skimmed milk, shall be delivered to the consumer within 36 hours after pasteurization.

SEC. 20. No milk, skimmed milk, or cream, shall be pasteurized a second time.

SEC. 21. No person shall sell to any ultimate consumer any pasteurized milk, skimmed milk, cream, buttermilk, or milk prepared by fermentation or other process unless such milk, skimmed milk, cream, or buttermilk, or milk prepared by fermentation or other process, is contained in and sold in a tightly closed container, in which it is packed or placed after pasteurization and then closed and kept continuously closed until after sale: *Provided, however,* That cream or milk served as a flavoring for food or drink may be served in containers when taken from packages as provided in this section.

SEC. 22. Only milk which is produced and handled under the rules and regulations of the division of health, and only after the division of health is assured that it comes from cows free from disease and tuberculosis as determined by the tuberculin test and a physical examination by a qualified veterinarian, and that it is produced and handled by employees free from disease or exposure thereto,

as determined by medical inspection by a qualified physician and under sanitary conditions such that it will reach the ultimate consumer fresh and unadulterated and with not more than 50,000 living bacteria per c. c. or any pathogenic bacteria whatsoever, may be sold without being pasteurized.

SEC. 23. No person or dealer shall give, furnish, sell, or offer for sale, or deliver any milk, buttermilk, whey, sour milk, skimmed milk, or cream in quantities less than 1 gallon except in sanitary bottles, sealed with a tightly fitting cap or stopper, and except where the milk is sold at the milk house or dairy, when the same may be dipped, but such dipped milk shall not be carried on the street in any other than a covered vessel.

SEC. 24. It shall be unlawful to sell, buy, give, take, collect, traffic in, or otherwise dispose of glass milk jars or bottles having the name of a person, firm, or corporation, or association blown therein. This section shall not apply to a person, firm, or corporation whose own name is blown in such glass jar or bottle, or to a member of an association, the name of which association is blown in such glass jar or bottle, or any authorized agent or employee of such person, firm, corporation, or member of such association, or to the owner of such glass jar or bottle.

SEC. 25. The possession by any person other than the person, firm, or corporation whose name is blown in such glass jar or bottle, or a member of an association, the name of which association is blown in such glass jar or bottle, or any authorized agent or employee of such person, firm, corporation, or member of such association, or the owner of such glass jar or bottle, or any person authorized by the owner thereof to use said glass jar or bottle, shall be prima facie evidence of the said unlawful selling, buying, giving, taking, collecting, trafficking in, or otherwise disposing of said jars or bottles.

SEC. 26. No person shall bottle any milk upon any delivery wagon or vehicle, in any other place than a milk house, dairy, or other building where milk is regularly stored and sold.

SEC. 27. No person shall transfer any milk intended for sale from one can, bottle, or receptacle into another can, bottle, or receptacle on any street, alley, thoroughfare, or upon a delivery wagon or other vehicle or in any exposed place in the city of Cleveland, except in a creamery, milk depot, or in the inclosed premises of the customer of the dealer in milk.

SEC. 28. No bottle, can, or other receptacle in use as a container for any dairy product, by any person, firm, or corporation engaged in the milk or dairy business shall be used for any other purpose.

SEC. 29. No person, firm, or corporation shall sell, offer for sale, or deliver, or cause to be sold, offered for sale, or delivered from any wagon, any milk, buttermilk, whey, sour milk, skimmed milk, cream, Dutch cheese, or other milk product contained in any other package or receptacle than bottles as herein provided, unless such package or receptacle be securely closed and sealed.

SEC. 30. No person, firm, or corporation shall serve any milk to be drunk on the premises where served unless such milk is contained in individual sealed receptacles, containing only the quantity of milk intended for use of the person served.

SEC. 31. Any person in charge of premises quarantined because of contagious disease who receives or orders to be received any receptacle containing milk or other dairy products, shall immediately, upon emptying such receptacle, cause the same to be thoroughly cleaned and stored, as directed by the commissioner of health, until released as herein provided.

SEC. 32. No person shall remove from any dwelling, in which exists any case of communicable disease, any bottles or other receptacles which have been or

which are to be used for containing or storing milk, except with permission of the commissioner of health.

SEC. 33. Before the commissioner of health shall release any bottles or other receptacles from any quarantined premises he shall cause such bottles or receptacles to be thoroughly disinfected.

SEC. 34. Every person using a delivery wagon or other vehicle, in the sale or distribution of milk, shall keep the same at all times in a cleanly condition and free from any substance liable to contaminate or injure the purity of the milk.

SEC. 35. Any person using a delivery wagon or other vehicle in the sale or distribution of milk shall, from May 1 to September 30, inclusive, have and keep over said delivery wagon or other vehicle, a covering of canvas or other material so arranged as to adequately protect the contents thereof from the rays and heat of the sun.

SEC. 36. Any person, firm, corporation, or company distributing milk within the city of Cleveland shall be required to place on each vehicle used for the purpose of distributing milk its license or permit number.

SEC. 37. Any person using, in the sale or distribution of milk, a delivery wagon or other vehicle shall keep the name of the owner thereof and the number of the wagon license in letters not less than 2 inches in height upon the side of said delivery wagon or other vehicle.

SEC. 38. No person, firm, or corporation shall deliver to or receive from any person, firm, or corporation in the city of Cleveland any shipment of milk, cream, or other dairy product in any can or other receptacle which said shipment of milk or cream or other dairy product does not bear a tag or stamp containing the date and hour of the shipment and the quantity and kind thereof and the name and business address of the person, firm, or corporation making such shipment legibly written or printed on such tag or stamp.

SEC. 39. No person, firm, or corporation shall allow any milk, cream, or other dairy product to remain at any railway station, depot, or platform for a period of time longer than one hour from the time of arrival of said milk, cream, or other dairy product at said station, depot, or platform.

SEC. 40. No person, firm, or corporation shall have in its possession, or place upon any platform, or in any depot, wagon, truck, or other conveyance for shipment to the producer of milk, any can or other receptacle intended for the shipment of milk into the city of Cleveland which has been improperly washed, or which is in any way unfit as a receptacle for milk, skimmed milk, cream, or cheese.

SEC. 41. No person, firm, or corporation shall use any milk ticket more than once.

SEC. 42. No person, firm, or corporation shall bring into the city, offer for sale, or have in its possession with intent to sell, any condensed milk or cream which is from sources not inspected by the bureau of dairy and food inspection of the city of Cleveland, unless such condensed milk or cream shall be sold to the consumer in the original package bearing the label of the manufacturer thereof.

SEC. 43. The sale of milk, cream, or butter fat, wholesale or retail, from sources uninspected by the division of health of the city of Cleveland shall be prohibited.

SEC. 44. Any milk, cream, or butter fat shipped into the city of Cleveland from sources not inspected by the bureau of dairy and food inspection, division of health, or not in accord with the provisions of this ordinance, may be seized and destroyed by the bureau of dairy and food inspection, division of health.

SEC. 45. The license or permit granted under any of the provisions of this ordinance to any person, firm, or corporation may be revoked if the holder thereof shall be found guilty of a violation of any of the terms of this ordinance.

SEC. 46. Milk for shipment into the city of Cleveland shall be from farms scored in accordance with the following score card :

Health.—If all cows in the herd have passed the tuberculin test within a year, applied by an approved veterinarian with approved tuberculin, and the chart of test is shown, 5 ; otherwise 0----- 5
Cleanliness.—All cows clean, 5 ; good, 4 ; fair, 3 ; poor, 1 ; bad, 0----- 5

STABLES.

Location.—Well located and drained, 1 ; otherwise, 0----- 1
Arrangement.—No other animal stabled with cows, 1 ; metal stanchions or sanitary tie, 1 ; no partitions between cows, 1 ; cement mangers, 1----- 4
Construction of floors.—Cement or stone flag with adequate drop and in good repair, 5 ; brick or matched boards with drop and in good repair, 4 ; ordinary plank floor in good repair and with adequate drop, 3 ; half dirt and half other material with drop, 2 ; any material in poor repair, 1 ; if no floor allow 0. Deduct 2 if drop is inadequate----- 5
Ventilation.—King system, 4 ; ventilation chutes or muslin curtains, 3 ; good ventilation by doors, windows, and hay chutes, 2 ; poor ventilation with no chute or curtains, 1 ; no visible means of ventilation, 0----- 4
Cubic space per cow.—Five hundred cubic feet per cow, 3 ; over 400 cubic feet, 2 ; over 300 cubic feet, 1 ; less than 300 cubic feet, allow 0----- 3
Removal of manure.—Haul to field daily, 2 ; 30 feet from stable, 1 ; otherwise, 0----- 2
Stable yard.—Paved or cemented over entire area, 4 ; graveled or cindered and well drained, 3 ; grass yard or well-sloped yard well drained, 2 ; poor yard with no drainage, 1 ; muddy yard or yard with sink hole, 0----- 4

WATER SUPPLY.

For cows.—Abundant and convenient supply of pure water, supplied in metal, stone, or cement trough, 2 ; creek or running spring, 1 ; dirty, polluted, or water in which cattle can wade, 0----- 2
For cooling.—Abundant, i. e. running spring or driven well with gas engine, 2 ; windmill, 1 ; temperature, 52° F. or below, 1 ; above 52°, allow 0 for temperature.----- 3

MILK HOUSE.

Location.—Detached, 1 ; convenient for prompt cooling, 1----- 2
Construction.—Cement or tile block or sound painted lumber, 2 ; ceiled and smooth or plastered walls, 3 ; cement vat, 1 ; screens, 1 ; adequate drainage of floor and vat, 1 ; ventilation, 1 ; light, 1----- 10
Equipment.—Hot water, 1 ; proper pails used for no other purpose, 1 (deduct for rusty or galvanized pails) ; proper strainers, 1 ; Root, Reid, Star, Chilly King, or other equally efficient type of cooling, 2 ; Champion or other ordinary type of cooler, 1----- 5
Cleanliness.—Clean floor, 1 ; ledges, 1 ; windows, 1 ; nothing but milk utensils in milk house, 2 ; (deduct 2 points for presence of gas engine or tools)----- 5

MILK HOUSE.

Care and cleanliness of utensils.—Pails, clean and racked, 2 ; clean but not racked, 1 ; clean cooler, 2 ; clean strainer, 1----- 5

MILKING AND CARE OF MILK.

Cleanliness of milking.—Ordinary clean methods, 5 ; special suits for milking, 2 ; wiping udder and teats with damp cloth before milking, 3 ; brushing but not wiping, 1 ; wet milking deduct all points----- 10
Prompt cooling.—If poured from pail as soon as milked over efficient type cooler, 5 ; if poured into can placed in water when filled or nearly filled, 2----- 5
Efficient cooling.—Milk cooled to 55° or below within 2 hours, 5 ; from 55° to 60°, 4 ; from 60° to 65°, 3 ; 65° to 70°, 2 ; 70° to 75°, 1 ; above 75° allow 0----- 5
Storage.—Stored at or below 55° F., allow 5 ; from 55° to 60°, 4 ; from 60° to 65°, 3 ; from 65° to 70°, 2 ; 70° to 75°, 1 ; above 75° allow 0----- 5

Sec. 47. Dairies which on second inspection fail to attain a score of 65 shall not ship milk, cream, or other dairy products into the city of Cleveland: *And provided further*, That the dairy shall be equipped with a milk house as provided in section 52 of this ordinance.

Sec. 48. Any milk, skim milk, or cream intended for shipment into Cleveland shall be shipped in a can or other receptacle bearing a tag showing the name of shipper or consignee and which shall be sealed at point of shipment with a lock and chain, wire seal, or other contrivance equally efficient, and such seal shall not be broken until the can or other receptacle is in the milk depot or premises of the consignee, except, however, when deemed necessary by a duly authorized inspector of the bureau of dairy and food inspection, in which case such seal may be broken and the can or other receptacle opened in his presence.

Sec. 49. Every cow, the milk of which is intended for sale in Cleveland, shall be confined when in the stable with stanchion or other equally sanitary device.

Sec. 50. No milk shall be shipped into or sold or offered for sale in Cleveland if typhoid fever, diphtheria, scarlet fever, tuberculosis, or other communicable disease exists on the premises of the producer, creamery operator, milk hauler, retailer, or any person who handles the milk in any form.

Sec. 51. No milk or cream shall be shipped into or offered for sale in Cleveland from any dairy, farm, dealer, creamery, cheese factory, or other place if upon or in the vicinity of the premises from which said milk or cream is shipped there exists any dangerous or unsanitary condition not hereinbefore specified, which, in the opinion of the bureau, may cause or make possible the contamination of said milk or cream.

Sec. 52. No milk or cream shall be shipped into the city of Cleveland from any dairy or farm which is not provided with a milk house of sufficient capacity to adequately provide for the storage and care of the milk produced upon said farm. Such milk house shall be located on dry ground not less than 50 feet from any manure pile, privy, cesspool, vault, chicken coop or yard, hog pen, or lot. It shall be constructed with sound-tight walls and ceiling, cement floor, and vat of nonabsorbent material, both provided with proper drainage. Adequate ventilation shall be provided aside from doors and windows. Window space shall be in the ratio of at least 1 square foot of light for every 8 square feet of floor space. Doors and windows shall not directly connect with any other building and shall be provided with screens of mesh sufficiently fine to exclude flies and other insects from April 1 to November 1. Milk intended for shipment into Cleveland, directly or indirectly either as milk or cream, shall be taken immediately after being drawn from the cow, to the milk house, where it shall be handled and stored as elsewhere provided in these regulations, until it is removed for shipment. No articles which are unnecessary for the storage, handling, or care of the milk shall be kept in the milk house.

Sec. 53. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding \$200 and the cost of prosecution or imprisoned not more than 60 days, or both.

Sec. 54. Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, the same will not affect the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

[This ordinance was effective July 25, 1915.]